

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.570 of 2025

Arising Out of PS. Case No.-42 Year-2023 Thana- SC/ST District- Araria

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Sachin Kumar Das @ Nibhas Kumar Das @ Sachin Kumar S/O Late Leela
Nand Das R/O Village- Haripur Ward No. 11, P.S.- Forbesganj, Distt.- Araria
... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Dhulchun Paswan S/O Late Sundar Paswan R/O Village- Haripur Ward No.
9, P.S.- Forbesganj, Distt.- Araria
... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rama Nand Poddar
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 24-04-2025 Heard the learned counsel for the appellant as well as
the learned APP for the State.

2. The appellant has preferred this appeal against
order dated 08.08.2024 passed by the Additional District Judge-
I-cum-Special Court SC/ST Act, Araria whereby the cognizance
was taken against the appellant under Sections 341, 323, 504,
506/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against the appellant and other accused persons.

3. Learned counsel for the appellant has submitted that
the reason behind false implication of the appellant is land
dispute between brothers of the appellant. At the instance of
brother of the appellant, the informant has lodged false and



fabricated case against the appellant. He has further submitted that the learned court below committed illegality by taking the cognizance in mechanical manner without applying judicial mind. He has also submitted that no *prima facie* case for taking cognizance and issuance of summons is made out against the appellant.

4. On the other hand, the learned counsel for the informant has submitted that this appeal has been preferred against the order taking cognizance and subsequently charges have been framed. He has further submitted that two witnesses have already been examined and the stage of the case has changed.

5. Considering the fact that charges have been framed, two witnesses have been examined and the stage of the case has changed, I do not find any reason to interfere with the impugned order. Accordingly, the appeal is *dismissed*.

(Nawneet Kumar Pandey, J)

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